

Ouray, Utah, Feb. 5, 1935.

Honorable T.H. Humpherys,
State Engineer,
State Capitol, Salt Lake City, Utah.

RE: MONTEZ CREEK DST.

Dear Sir:

Herewith is a brief report of a visit I made Feb. 2, 1935, to Montez Creek and the Dry Gulch Irrigation Company's partly built reservoir and intake canal thereto on this creek some five or six miles north-east of Roosevelt, by request of Ira S. Bryant, of Myton, Utah.

Mr. Bryant holds the two first filings, on Montez Creek, aggregating, according to the abstract from your Office, a total water supply of 1.38 second-feet. He states that his application was for use of the water from January 1 to December 31 of each year, insofar as weather conditions would permit the water to flow to his intake.

The extremely dry weather prevailing during the past several years and particularly the past two years, and the spring-like temperatures of the present few weeks makes water for irrigation very much worth while.

On arrival at the Irrigation Company's Montez Creek reservoir site, Ira S. Bryant, his son Douglas and I found that a concrete outlet channel some 160 feet long and 33 inches square inside, the corners bevelled however, had been built, with concrete manhole and iron gate and lift installed in the manhole tower. Apparently the concrete structure was ready for use when it is covered by the earthen dam, elsewhere a few feet higher than the top of the concrete tunnel.

1. A wooden pipe of about five inches in diameter was set to drain off the water coming from the melting ice and snow filling the depressions in and above the dam. A small ditch had also been dug at the north end of the dam to draw off water coming from melting ice above the dam. From appearances, work on the dam had only been recently discontinued and these drain arrangements had been installed to get as much water as practicable out of the way that dam building could be resumed as soon as practicable.

The total flow into the Montez Creek from the dam and an extensive area of melting snow and ice immediately below the dam did not exceed, as near as I could estimate, a total of 0.3 second foot. No water appeared to be flowing into the pond above the dam.

We drove, by the nearest road, to the ^{head of the} newly built canal down the Montez Creek valley bottom leading toward this reservoir, with a diversion canal leading out from the Creek swale to the southward to the Company's Harding Lateral.

I found the upper section of this canal had been built since my visit to the region in September, 1934. The canal heads in the main branch of the West Fork of Montez Creek in the Ben G. Dye meadow about 1000 feet East and about 100 feet South of the NW corner of Sec. 22, Tp. 1 South, R 1 W, U.S.M. This ditch cuts straight down the valley bottom, crossing the original meandering creek bed four times in the course of about a mile and dumps into a channel of about five feet depth, which appears to have been at some time in the past likewise deepened and straightened with ditching implements.

The channel continues down to the approximate intake for the Dry Gulch Irrigation Company diversion point No. 2 of Filing No. 7087 near the middle of Sec. 26. From that point a definite canal has been

recently built and enlarged within the past year, to lead the Montez Creek water out of the Montez Creek valley to the southward to the Dry Gulch Irrigation Company's Harding Lateral. The old original Creek channel is completely dammed off.

At a point about 1000 feet down the canal, a spillway stands where any overflow above the capacity of the canal can return to the Creek channel and thence flow to the Dry Gulch Irrigation Company's reservoir.

Apparently the same condition at this spillway still persisted, as I reported last September, but probably more pronounced, due to an apparent deepening of the Company diversion canal.

2.

A stream of water, as near as I could judge, of at least three or four second-feet was flowing down this diversion canal past the spillway and thence into the Harding Lateral. Flashboards were set tightly in the spillway that would turn away from the Creek channel all water till the flow should reach in the neighborhood of 15 second-feet I estimated. Mr. Bryant stated that this stream of water was flowing down the Harding Lateral and thence to waste in the Dry Gulch below the end of that ditch. This point is across a high ridge from Mr. Bryant's farm. note

I followed down this new Dry Gulch Irrigation Company canal from its head in Section 22 to its junction with the Harding Lateral. Melting ice and snow along the depressions near the ditch appeared to be increasing its volume. At the bridge below the junction of the two canals, all water coming from Montez Creek, I found a stream flowing at a good rate, but somewhat checked by ice on its south side, that was two feet deep and four feet wide.

3.

About 1 1/2 second-feet of water was being taken out of the Montez Creek through Ben G. Dye's diversion ditch and thence spread over his meadow to irrigate it. Farther down, the return water from this spread and from other water in the Creek, amounting to about two second-feet, was again spread over the lower part of the Dye meadow. A short distance farther down, two streams were being spread over the Sam Snyder pastures. The return water from these diversions was all picked up by the Dry Gulch Co. canal along the valley bottom and was thence flowing into the Company's Harding Lateral. All three of these users have rights to the Montez Creek water, but all are subsequent to Bryant's filing.

4.

Mr. Bryant stated that large areas of ice and snow that covered the upper basin of Montez Creek from the region near the mouth of The Uintah Canyon north of Neola and in decreasing quantities to the Ben G. Dye farm were supplying the run-off for Montez Creek. The warm weather prevailing was melting the ice at a typical spring rate.

5.

SUMMARIZING, some four second-feet of water ^{was} ~~is~~ being taken from the Montez Creek and turned to waste into Dry Gulch by the Dry Gulch Irrigation Company, draining practically all water from Montez Creek. Not over 0.2 second-feet of flow (two-tenths S.F.) was available to supply Bryant's claim for 1.38 sec.-ft.

6. I, therefore, RECOMMEND that the Dry Gulch Irrigation Company be required to open a channel to permit the lower 1.5 second-feet of flow of Montez Creek to go down to Bryant unhindered in the Creek channel or otherwise arrange to furnish him an equally satisfactory supply through its Harding Lateral and his ditch leading therefrom.

Respectfully submitted,

Commissioner.

Copy sent to
Dr. S. Bryant, Montez, Utah. R.E.D.

recently built and enlarged within the past year, to lead the Montez Creek water out of the Montez Creek valley to the southward to the Dry Gulch Irrigation Company's Harding Lateral. The old original creek channel is completely dammed off.

At a point about 1000 feet down the canal, a spillway stands where any overflow above the capacity of the canal can return to the creek channel and thence flow to the Dry Gulch Irrigation Company's reservoir.

Apparently the same condition at this spillway still persisted, as I reported last September, but probably more pronounced, due to an apparent deepening of the Company diversion canal.

A stream of water, as near as I could judge, of at least three or four second-feet was flowing down this diversion canal past the spillway and thence into the Harding Lateral. Measurements were not taken in the spillway that would turn away from the creek channel all water till the flow should reach in the neighborhood of its second-foot limit. Mr. Bryant stated that this stream of water was flowing down the Harding Lateral and thence to waste in the Dry Gulch below the end of that ditch. This point is across a high ridge from Mr. Bryant's farm.

I followed down this new Dry Gulch Irrigation Company canal from its head in Section 22 to its junction with the Harding Lateral. Melting ice and snow along the depression near the ditch appeared to be increasing its volume. At the bridge below the junction of the two canals, all water coming from Montez Creek, I found a stream flowing at least two, and somewhat checked by ice and snow, was two feet deep and four feet wide.

About 1 1/2 second-feet of water was being taken out of the Montez Creek through Ben G. Dye's diversion ditch and thence spread over his meadow to irrigate it. Further down, the return water from this spread and from other water in the creek, amounting to about two second-feet, was again spread over the lower part of the Dye meadow. A short distance farther down, two streams were being spread over the Ben Snyder pastures. The return water from these diversions was all picked up by the Dry Gulch Co. canal along the valley bottom and was thence flowing into the Company's Harding Lateral. All three of these streams have rights to the Montez Creek water, but all are subservient to Bryant's filling.

Mr. Bryant stated that large areas of ice and snow in the upper basin of Montez Creek from the region near the United Canyon north of Neola and in descending gradient to the Dye farm were melting the ice at a typical spring rate prevailing was melting the ice at a typical spring rate.

SUMMARY: Some four second-feet of water is being taken out of the Montez Creek and turned to waste into Dry Gulch by the Irrigation Company, draining practically all water from Montez Creek. Not over 2 second-feet of flow (two-tenths S.E.) was available for supply Bryant's claim for 1.75 sec.-ft.

RECOMMEND: That the Dry Gulch Irrigation Company be required to open a channel to permit the lower 1 1/2 second-feet of flow of Montez Creek to go down to Bryant undisturbed in the creek channel or otherwise arrange to furnish him an equally satisfactory supply through its Harding Lateral and his ditch leading therefrom.

Respectfully submitted,

Commissioner.

